IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 9860 of 2006(W)

PETITIONER:

A.KRISHNAN, S/O.RAMAN,
ARIYADIKA HOUSE, MANAD, BARA VILLAGE,
BARA P.O., HOSDURG.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS:

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1. SPECIAL DEPUTY TAHSILDAR (RR),
HOSDURG.

2. ABDUL KADER.C., S/O.HASSAINAR HAJI,
PADI ROAD, CHARKALA, KASARAGOD DT.

3. SUPERINTENDENT OF POLICE,
KASARAGOD DT., KASARAGOD.

BY GOVERNMENT PLEADER, SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1	THE PHOTOCOPY OF THE AGREEMENT DATED 17/08/2002
EXT.P2	THE PHOTOCOPY OF THE COMPLAINT BEFORE THE SHO KASARAGOD POWER STATION DATED 28/12/2002
EXT.P3	THE PHOTOCOPY OF THE COMPLAINT TO THE SUPERINTENDENT OF POLICE, KASARAGOD 09/02/2006
EXT.P4	THE PHOTOCOPY OF THE UNDERTAKING GIVEN BY THE 2ND RESPONDENT DATED 09/12/2005
EXT.P5	THE COPY OF THE DEMAND NOTICE UNDER SECTION 7 DATED 13/01/2006

\\TRUE COPY //

K.BALAKRISHNAN NAIR, J.

WP(C).No.9860 of 2006-W

Dated this the 8th day of February, 2007.

JUDGMENT

The petitioner is the registered owner of the goods vehicle KL-14/A-1405. He sold it to the second respondent on 17-8-2002 under an agreement, the copy of which is produced as Ext.P1. Since the second respondent did not pay the motor vehicles tax, revenue recovery steps were taken against the petitioner also. The second respondent by Ext.P4 affidavit has admitted that he is the present owner of the vehicle and he is ready to remit the entire tax. But, now revenue recovery notice, Ext.P5 has been issued to the petitioner. Hence, this writ petition challenging Ext.P5. He also seeks a direction to the respondents to seize the said vehicle and sell it. He alleges that though he has filed Exts.P2 and P3 complaints before the police, no action is taken.

2. Heard the learned Government Pleader for the respondents also.

3. The first respondent is directed to seize and sell the above-said vehicle for realisation of tax due. The petitioner may point out where the vehicle is, so that the first respondent or the police can

seize it. To enable the petitioner to do that, further recovery proceedings will remain in abeyance upto 31-3-2007. As long as the petitioner remains the registered owner there is nothing illegal with the recovery against him. The legal consequence of Ext.P2 or transfer made under agreement like Ext.P1 is that the transferee may also be liable under Sec.9 of the Motor Vehicles Taxation Act. But, the petitioner cannot escape from liability as long as he remains the registered owner. So, if the vehicle could not be seized or sold, the first respondent will be free to proceed against the petitioner after 31-3-2007.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS